

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.59 of 2010 (O&M)

Date of Decision: 4.5.2017

M/s Indo Enterprises Pvt. Ltd.

..Appellant

Vs.

Presiding Officer and another

..Respondent

**CORAM: HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE SHEKHAR DHAWAN**

Present: Mr.Amar Vivek, Advocate for the appellant.

MAHESH GROVER, J. (Oral)

The letters Patent Appeal was admitted on 15.3.2010 and notice was issued to the respondents. The report suggests that service of respondent No.2 is complete. However, there is no representation on his behalf. Before the order of admission, counsel for the appellant has submitted that the appellant is willing to settle the matter with the workmen by paying compensation and he would deposit a sum of Rs.7 lacs in the registry of this Court for being paid to the workmen @ of Rs.One lac per workman.

This amount was directed to be deposited in FDR and is still lying there without there any claim made by the respondents firm or its components. It may be noticed that even though the Labour Court as also the learned Single Judge confined the relief to 7 workmen, the learned counsel for the appellant contends that there is nothing on record to suggest that from-where this figure of 7 workmen has emerged. This is incorrect as

record shows seven signatories and thus the acknowledgment in relief to seven workmen only. Be that as it may, the question infact remains that with the efflux of time and the closure of the unit, in the year 2004 itself, has rendered the controversy raised in the present appeal illusory. Neither the workmen have come forward to accept the amount of compensation nor have they chosen to contest the appeals. With the closure of the unit, Union too would have been disbanded and its workmen's whereabouts untraced. We are, thus, of the opinion that no useful purpose would be served by keeping the issue alive being purely academic. Consequently, we deem it appropriate to dispose of the appeal. However, the appellant would be entitled to retrieve the amount of the FDR subject to the condition and undertaking before the Registrar of the Court that in case some workmen chose to come forward to claim the amount or to show interest in the appeal, they would be at liberty to raise such a claim by making an appropriate application.

(Mahesh Grover)
Judge

(Shekhar Dhawan)
Judge

4.5.2017
Meenu

Whether speaking/reasoned	- Yes/No
Whether Reportable	- Yes/No